

**REMARKS**

The above-referenced application has been reviewed in light of the Office Action mailed February 2, 2005. By the present amendment, the Applicants have canceled claim 11. It is respectfully submitted that the claims now pending in the application, namely claims 1-10, do not introduce new subject matter, are fully supported by the application, and are patentable over the prior art. Prompt and favorable consideration of these claims is earnestly sought.

In the Office Action, the Examiner requires the Applicant to elect a single disclosed species under 35 U.S.C. §121 for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held allowable. The Examiner states that there are no generic claims and that the claims are directed to the following patentably distinct species of the claimed invention: I) the embodiment of Figures 12-14; and II) the embodiment of Figure 15. During a telephone conversation with Examiner Truong on December 6, 2004, the undersigned provisionally elected the embodiment of Figures 12-14 that corresponds to claims 1-10.

Applicant hereby affirms the election of the embodiment of Figures 12-14 for prosecution on the merits. Claims 1-10 read on the elected embodiment. Applicant further reserves the right to file continuation applications and/or divisional applications on any non-elected species.

The Office Action rejected claims 1-10 under the judicially created doctrine of obviousness-type double patenting over claims 1-13 of U.S. Patent No. 5,601,581 to Fogarty et al. In response thereto, Applicants hereby submit a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c) and the fee required under 37 C.F.R. § 1.20(d). It is respectfully submitted that

Appl. No. 10/790,374  
Amdt. dated April 5, 2005  
Reply to Office Action mailed February 2, 2005

the Office Action's obviousness-type double patenting rejection of claims 1-10 has been overcome.

The Office Action rejected claims 1-6 under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of U.S. Patent No. 6,451,035 to Fogarty et al. In response thereto, Applicants hereby submit a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c) and the fee required under 37 C.F.R. § 1.20(d). It is respectfully submitted that the Office Action's obviousness-type double patenting rejection of claims 1-6 has been overcome.

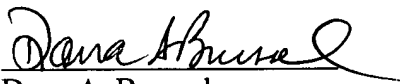
Please charge the fees required under 37 C.F.R. § 1.20(d) to Deposit Account 21-0550.

**TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Prompt and favorable action on these claims, namely claims 1-10, is earnestly requested. Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,

Carter, DeLuca, Farrell & Schmidt, LLP  
445 Broad Hollow Road - Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5713  
Fax: (631) 501-3526

  
Dana A. Brussel  
Reg. No. 45,717  
Attorney for Applicants

**Send correspondence to:**  
Chief Patent Counsel  
Tyco Healthcare Group  
150 Glover Avenue  
Norwalk, CT 06856